

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on September 20, 2012 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

MEMBERS PRESENT: Tim Thoms, Chairman
Al Gilbert, Vice-Chairman
Douglas Powell

MEMBERS ABSENT: Jim Graw
Bill Beckwith

STAFF PRESENT: Pete Frisina, Director of Community Development
Dennis Dutton, Zoning Administrator
Fred Sisson, Animal Control
Hank Meyers, Marshal
Eric Semon, Marshal

CITIZENS PRESENT: David Brill, North Fayette Community Association
Dorothy Herring, Northridge Subdivision
Aisha Abdur-Rahman, Northridge Subdivision
Charlie Little, Boy Scout Troup 74

Welcome and Call to Order:

Chairman Thoms called the Public Meeting/Workshop to order and introduced the Board Members, Staff, Marshalls and three members of the public who were present: David Brill, Dorothy Herring and Charlie Little (boy scout from Troop 74).

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1. Discussion of proposed amendments to the Fayette County Comprehensive Plan Land Use Element and the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: SR 138 between SR 279 and SR 314.

Chairman Thoms stated that tonight the Planning Commission will be discussing the SR 138 Corridor. He said that the discussion tonight would include proposed amendments to the land use plan and proposed amendments to the zoning ordinance to regulate the resulting development, particularly the architectural standards.

Pete Frisina recapped the work staff and the Planning Commission had done for the benefit of Dorothy Herring. During his summary an un-introduced member of the public arrived (Aisha Abdur-Rahman.) Pete Frisina resumed his briefing.

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He stated that this study was initiated by the Board of Commissioners after a land owner and movie studio owner approached the Board with the concept of a movie studio on SR 138. He said staff and Planning Commission had initially looked at a new business type zoning district which didn't contain retail uses, then they had explored commercial

zoning for the area, and now have come back to propose a General Business zoning district that does not contain retail commercial uses, along with corresponding amendments to the Comprehensive Plan and the creation of a SR 138 Overlay Zone which would control the architectural standards.

Doug Powell stated that the goal is to create zoning regulations that will fit the SR 138 area and be usable in other areas of the County as well.

Dorothy Herring asked if this movie studio would have a large number of big trucks going in and out with movie equipment because SR 138 is a very busy road. Pete Frisina replied that the bulk of the trips generated would be the employee traffic.

Aisha Abdur-Rahman asked if there are any drawings of what is proposed for the site. Chairman Thoms stated that Mr. Williams had brought some photographs of similar building that he plans to build on the site and that the buildings were similar to large warehouses. He added that one of the items being discussed this evening is the architectural controls proposed for these large building as we don't want them to look like factories.

Dorothy Herring asked what is the distance from the road that these building would be built. Pete Frisina replied that there would be a 50 foot landscape area along the road and the building would be set back 100 feet from the road.

Aisha Abdur-Rahman commented that is a setback that is similar to a house and this is a large building. Al Gilbert asked if there was concern that there would be filming operations in front of the building. Aisha Abdur-Rahmans said her concern is why she is just hearing about this now when this is going to directly impact her neighborhood. Al Gilbert stated that this is not a rezoning, the staff and Planning Commission are studying the area and ordinances and there has not been any official zoning actions. He furthered stated that if and when the Board of Commissioners are comfortable with these proposals the zoning ordinance amendments will be advertised for public hearings and in turn, if the property is brought for rezoning, that will be advertised for public hearings.

Aisha Abdur-Rahman said she understood that but whom more important to be at these meeting than the people whom will be the most impacted by this development and I just happened to stumbled upon it. Chairman Thoms said he was happy she had stumbled upon it because we have other people from the area including David Brill that have come to the meetings.

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Doug Powell stated that the Planning Commission agenda and minutes are posted on the County web-site. Aisha Abdur-Rahman said no she doesn't know what's posted on-line because she doesn't routinely get on-line. Pete Frisina stated that there had been an article in the newspaper from when he had spoken the BOC. Aisha Abdur-Rahman said that is where she had heard about it.

Chairman Thoms said this was a workshop any input Dorothy Herring or Aisha Abdur-Rahman had would be considered and passed onto the BOC.

Aisha Abdur-Rahman said there are four subdivisions in the area that will be impacted, that's Country Lake, Dix-Lee-On, Providence and Northridge and the presidents of each of those subdivisions should be contacted and asked to come to these meetings so they can make the people in their communities aware that these discussions are even occurring. She furthered stated that the County should let the people that will be impacted by this know through every method available because everybody doesn't sit on their computers every day or get the newspaper.

Doug Powell asked Chairman Thoms for a point of order and that the Planning Commission should move on. Aisha Abdur-Rahman stated that this is the attitude that creates the hostility.

Doug Powell stated that there had been four previous workshop meetings. Aisha-Abdur-Bahman asked how the people in her neighborhood had been notified about the meetings. Doug Powell said that there was no legal requirement to do that these are open meetings. Aisha Abdur-Rahman said so you just sneak around and have meetings.

Chairman Thoms called the meeting back to order and said we are having a workshop discussion and could it be kept civil. Aisha Abdur-Rahman said she did not like people being dismissive of her. Chairman Thoms stated we have had David Brill here and other citizens have come and it is hard to get to every citizen and he was glad she and Dorothy Herring were at the meeting to give the Planning Commission input. Chairman Thoms said that staff and the Planning Commission had been working on this area and please give us your feedback about what we have done so far as the process is not over and the BOC has asked us to look at the area and bring back recommendations for them to consider. He continued that the Planning Commission had looked at commercial on SR 138 and based on input from some of the citizens had changed direction to look at a non-retail general business zoning. He said keep in mind that the other side of the highway is Clayton County which has a zoning that would allow four to five story buildings with mixed uses like residential, office, and commercial that is very different than what Fayette County would allow.

Doug Powell mentioned that the minutes from the previous meeting are on-line.

Chairman Thoms said that if Aisha Abdur-Rahman had recommendations on how the Planning Commission could get the information out please feel free to provide that to the Planning Commission. Aisha Abdur-Rahman stated that the Homeowner's Association should be contacted

and she would get the names for the Homeowner's Association in the four subdivisions. Al Gilbert said that the County did not have a listing of all of the Homeowner's Associations in the County. Aisha Abdur-Rahman said if we had a functioning Commissioner for this district he would have that information. David Brill said that if Aisha Abdur-Rahman had any names he would put them on his North Fayette Community Association's mailing list as the movie studio owner had presented his project to them at their meeting on August 18th.

Chairman Thoms asked Pete Frisina to discuss the recommendations.

Pete Frisina said that he had made the changes discussed at the last meeting. He stated that he recommended that four of the uses listed be eliminated because after deleting a number of the uses at the last meeting these remaining uses seemed out of place now and these uses are: Bicycle repair shop and incidental sales, Flooring sales and/or installation, Furniture repair including upholstery shop, and Glass sales and/or repair. He added that he recommended that a list of Professional Services be added as follows: Professional services, including, but not limited to: accounting; advertising and marketing research services; architectural firms; bookkeeping, tax preparation; brokerage firms; computer system software design; consulting services; engineering firms; internet and web hosting firms; payroll services; photographic services; research services; specialized design services; telemarketing; and translation and interpretation services.

Dorothy Herring asked if any consideration is being given to traffic on SR 138 because it is a busy highway and you will probably need another traffic light in this area. Pete Frisina stated SR 138 is a four lane highway and any development would have to provide decel and accel lanes so traffic could get on and off of the road safely. Doug Powell asked if GDOT will control this for the highway. Pete Frisina replied that GDOT would have jurisdiction over ingress and egress for any development on SR 138.

Dorothy Herring asked if there a real need for a movie studio as there are some other studios in the Atlanta area. Pete Frisina replied that many of the studios are booked a year in advance.

Aisha Abdur-Rahman asked what is the need to develop to this this area for non-residential at all. There is vacant land all along SR 85 and SR 54, why in this end of the county where you have these five major subdivisions. Pete Frisina replied again that the property owner and studio owner approached the BOC, the BOC thought it was something that needed to be looked at, and the staff and Planning Commission will take their findings and recommendation back to the BOC for their decision on whether to proceed or not.

Aisha Abdur-Rahman stated that allowing non-residential development off of SR 138 close to Dix-Lee-On Subdivision is not appropriate and the area shown on the land use plan for office along SR

138 and residential behind that provides a better buffer to the subdivision. Pete Frisina explained that the area that is being discussed for General Business is presently land used for residential, office and commercial and the area is bounded to the south by streams and lakes which would preclude buildings along the rear property lines due to watershed protection buffers and setbacks. He said in addition, there is a 50 foot buffer along any property zoned for residential or A-R.

Dorothy Herring asked about the setbacks and said that a 25 foot side yard setback is not enough. Pete Frisina pointed out that the 25 foot setback would be measured from the 50 foot buffer. Aisha Abdur-Rahman said that the studios she is familiar with from living in California are big and not very attractive and especially if the county is allowing 40 feet for building height 75 feet is not enough. Peter Frisina replied that 35 feet is the typical building height in the county so this would allow an additional five feet and the back quarter of the studio property has two lakes on it which provides a separation between it and the Dix-Lee-On Subdivision. Pete Frisina pointed out on the GIS map that due to the watershed buffers and setbacks, the buildable area from the closest property line in Dix-Lee-On is about 380 or so feet away.

Aisha Abdur-Rahman said she is concerned with anything to do with broadcasting in that area because of the towers and dishes with radio waves and signals and when I spoke to Pete he said this person is building a movie studio but a broadcasting studio or telecommunications is allowed in this proposed zoning district and she is not in favor of that use. Doug Powell stated that under the tower ordinance a property owner could submit an application to build a tower on this because it is on a State Route, but depending on the height or location a public hearing could be necessary. Pete Frisina stated that another person had mentioned the same concern at a previous meeting and we could take out broadcasting and telecommunications. The Planning Commission did not want to take out broadcasting and telecommunications without input from the BOC and asked Pete Frisina to bring up the issue with the BOC at their workshop. The Planning Commission asked if the tower is the major concern. Aisha Abdur-Rahman said she is concerned with the land use changes to the area and the effect it will have of the neighborhoods that were mentioned earlier in the meeting and this is the entrance to the county where she lives and she didn't like the shopping center going in at SR 279 and SR 138 in Fulton County. She added that movie studios are big and ugly and in California they are not located close to any residential areas.

Chairman Thoms asked Pete Frisina to go over the architectural standards in the Overlay Zone for the buildings. Pete Frisina stated that the architectural standards would apply to all of SR 138 and a portion of SR 314 through this new overlay. The architectural standards that are residential in nature with the pitched roof, façade, and window and door requirements are the same that are in effect on most the State routes except SR 85 North and SR 74 North. The other architectural standards would be an option for large buildings of 35,000 square feet with a minimum dimension of 150 feet that would require the following:

- i. At least 50 percent of all exterior wall finishes shall be comprised of at least two (2) of the following facade types: brick/brick veneer, wood, fiber-cement siding (i.e.: Hardi-plank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco) or

any architecturally engineered facades which simulate these materials. Any metal facades used on the remaining portions of the exterior walls shall establish a horizontal seam pattern.
- ii. No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two (2) feet.
- iii. No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, or changes in planes.

Pete Frisina said that with the new zoning district there are other areas of the ordinance that need to reflect the new zoning district in Articles V and VII. Also he said in doing research he found a typo in the BTP zoning district so the correction would be included in the proposed amendments.

Pete Frisina said that he planned to take this back to the BOC in October with the changes that have been discussed and based on their input it will either come back for more work or move forward to public hearings.

2. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding: Animals

Pete Frisina reported that at the September 5, 2012 BOC workshop Commissioner Hearn brought up the subject of allowing unlimited animals (cats and dogs) in A-R but keeping the limit of three animals in the residential zoning districts. He said that staff and Planning Commission had worked on this issue previously but didn't come to a conclusion and got sidetracked onto other issues. He said he also had discussed this with Animal Control and the Marshals and they had apprehension in dealing with this issue purely on a nuisance basis because it becomes subjective and a number is easier to enforce.

Doug Powell asked if the county restricts the number of horses in A-R. Pete Frisina replied that the number of horses is restricted in the residential districts but not in A-R. He said Commissioner Hearn's point was if the county does not restrict the number of livestock in A-R why do we restrict the number of animals (dogs and cats). He went over the current ordinance and explained that the definition of Animals for the purpose of the zoning ordinance is cats and dogs and there is a sentence in the definition that says the limit is three. He added that is a regulation does not belong in a definition and it is incorrect because if you meet the conditional use for a kennel, basically the 300 foot setback, you can have more than three animals in A-R. He said that you have to read through

three different Articles to determine that you can't have more than three animals in a residential zoning district.

Doug Powell said he thinks a 300 foot setback is good for a lot of dogs because they don't belong right on the property line. Al Gilbert said that is what the BOC wants changed for pets and allow someone to have as many dogs and cats as they like. Chairman Thoms added as long as they are not operating a kennel. Doug Powell said then the county has to rely on a nuisance basis for animals that are running loose, leave the property and cause damage on other's property, noise, and health concerns.

Pete Frisina said he included definitions from the State and other ordinances to help staff and the Planning Commission to amend the county ordinance. He pointed out a state definition of a pet dealer that says anyone selling more than thirty pets a year has to have a State License and said that may be useful as threshold for what the county is trying to accomplish.

Pete Frisina discussed the following suggested amendments:

1. Take the three animal limit out of the animal definition
2. Develop a definition for a Hobby Breeder based on the State law of selling less than 30 animals a year and this would not constitute a kennel
3. Develop a definition for household pets
4. Redefine a kennel as an establishment where animals are breed or boarded for commercial gain including a pet rescue where the animals are kept outside of the principal residence, in addition a kennel may provide grooming and training services
5. Develop a definition for Pet Rescue
6. Add a section in Article V that states how many animals can be kept based on the zoning district. The objective is to keep the three animal limit in the residential zones and not limit the number of animals a person has as pets in A-R

Doug Powell asked how the county addresses dog pens and do they have to meet setbacks. Pete Frisina replied that under Article V they are considered accessory structures and have to meet the same setback and location requirements as a detached utility shed for example, however, it defines dog pens as enclosures of 200 square feet or less. He added that what we were trying to do was regulate those small enclosures as opposed to regulating someone that just fences in their yard to contain their animals. Chairman Thoms said if the structure is over 200 square feet it doesn't count as a dog pen. Pete Frisina replied that we had to have a number and 200 feet was some of the biggest dog pens that staff found for sale on the internet. Doug Powell asked what difference does the square footage have to do with it, can't we just define what pen is not using a dimension and have it comply with setbacks. Pete Frisina asked Doug Powell what the definition would be. Doug Powell replied I don't know. Pete Frisina said that is the problem so you have to have something

quantifiable like square footage. Doug Powell suggested containment for one or more dogs. Pete Frisina asked what if a person fences in an acre and a half, is that a pen. Doug Powell said it could be by definition and I see the problem.

Doug Powell said that the county needs to distinguish between a commercial kennel and a private kennel. Pete Frisina replied that these structures could just contain a person's pets or hunting dogs and not really be a kennel. Fred Sisson said that enclosures for hunting dogs could have a concrete of gravel floor and a chain link structure. Doug Powell said the county has to contain the nuisance aspect. Pete Frisina replied that at some point the county will have to rely on the nuisance and/or noise ordinance but it is not an easy way to regulate the problem. Pete Frisina said he thought the noise ordinance addressed barking dogs specifically and there was duration of 15 minutes before it is a violation. Hank Meyers said he didn't think there was a time limit in the noise ordinance for barking dogs and also it didn't require a noise meter reading for a barking dog as well.

Doug Powell asked the Marshals what they think of enforcing these different rules for dogs. Hank Meyers replied that it is difficult and he had dealt with a case where an individual had 12 hunting dogs in pens on his property but couldn't meet the 300 foot setbacks so he had to move his dogs somewhere in South Georgia.

Chairman Thoms asked if we are discussing a setback for a commercial kennel or for somebody in A-R that owns 15 dogs. Doug Powell said that the person with 15 dogs will have an A-R setback of 50 feet on the side and 75 feet in the rear, and a commercial kennel would have a 300 foot setback. Pete Frisina replied at some point the county will have to rely on the nuisance or noise ordinance but that is more difficult.

Pete Frisina said that the direction from the BOC was to look at allowing an unlimited number of pet animals in A-R and that pets and hobby breeding would be unlimited in A-R based on these amendments. Doug Powell stated that they would still be bound by the 30 sales a year and other applicable regulations like animal control and noise and that should be reiterated in the zoning ordinance

He added there are still some other issues that needed to be addressed like pet stores in commercial and whether they are a kennel or not, but staff is not there yet. Al Gilbert suggested taking back the A-R portion of the amendments to the BOC in October, but let the BOC know that there are still issues that need to be addressed in the near future. The Planning Commission concurred with Al Gilbert's suggestion to address the A-R amendments for now.

Eric Semon asked how other communities address this problem. Pete Frisina replied some use a similar number limit and some go strictly by nuisance on a case by cases basis but their nuisance thresholds are more detailed and numerous.

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Fred Sisson said there is a big problem with cats as well and some years Animal Control collects more cats than dogs. Pete Frisina added that a citizen was suggesting that an incentive of allowing more pets if they are spayed and neutered. Fred Sisson said that is great but it is difficult to regulate. Pete Frisina said it doesn't mitigate a nuisance if there is one.

Chairman Thoms asked if the zoning of the surrounding property have any effect on the unlimited animals in A-R. Pete Frisina replied it would not unless you are a kennel as it would be defined.

Chairman Thoms asked if I were this gentleman with the 12 hunting dogs I would be legal with these amendments and do you think this will encourage property owners to seek rezoning to A-R. Pete Frisina replied it would probably encourage property owners to seek a rezoning if they could get unlimited animals.

Chairman Thoms said he is glad to see us work on this because he never felt comfortable with the three animal limits.

Hearing no further comments, Doug Powell made a motion to adjourn the Public Meeting/Workshop. The motion unanimously passed 3-0. Members voting in favor of adjournment were: Chairman Tim Thoms, Vice-Chairman Al Gilbert, and Doug Powell. The Public Meeting/Workshop adjourned at 9:30 P.M.

PLANNING COMMISSION


OF

FAYETTE COUNTY

ATTEST:



TIM THOMS
CHAIRMAN



DENNIS DUTTON
PC SECRETARY